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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30766-2018
Date of decision-21.09.2018

Ravi

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Rahul Jaswal, Advocate for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0028 dated 07.01.2018, under Section 365 of Indian Penal Code (in short 'IPC') and Section 6 of the Protection of Child From Sexual Offence Act, 2012 (in short 'POCSO Act') later on added, registered at Police Station Model Town, District Panipat.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 23.02.2018. He contends that only offences under Sections 363 and 366-A of IPC read with Section 6 of the POCSO Act are there, while Section 365 of IPC stands deleted. It is contended that he has been in custody since 23.02.2018 and the investigation in the said matter has been completed. It is also submitted that the statement of prosecutrix under Sections 164 and 165 Cr.P.C reflects that she had submitted that she had gone on her own free will with the petitioner

herein and that she had solemnized marriage with him at Ghaziabad.

Per contra, learned counsel appearing on behalf of respondent-State, oppose the grant of regular bail to the petitioner, however, she does not dispute the fact that as on date out of 18 witnesses none has been examined.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that that the petitioner herein has been in custody since 23.02.2018, and the investigation in the matter is complete, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without expressing any opinion on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

(JAISHREE THAKUR)
JUDGE

September 21, 2018

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No